REMARKS

Claims 1-7 and 18-21 remain pending in the present application. Claim 17 has been cancelled. Claims 18 and 19 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chipley (U.S. Pat. No. 2,329,102) in view of Saiki, et al. (U.S. Pat. No. 4,693,173). Applicants respectfully traverse this rejection. Claim 1 defines an air conditioner, a ceiling wall which defines an air passage and a supply duct through which air from the air conditioner is supplied to the air passage. The holes are defined as being smaller proximate an outlet end of the supply duct than a position farther from the outlet end of the supply duct. Thus, the supply duct extends from the air conditioner to the air passage.

Chipley discloses a ceiling air blowing device but does not disclose the holes such that a total area of the openings of the holes per unit area at a first position that is proximate to the end of the supply duct is smaller than that at a second position that is farther from the end of the duct than the first position. The Examiner goes to Saiki, et al. to find this feature.

Saiki, et al. discloses that the total area of the openings of the holes per unit area that is proximate to the end of duct 108 is smaller than that at a second position that is farther form the end of duct 108. The duct 108 referred to by the Examiner is not a supply duct disposed between the air conditioner and the air passage, it is a return duct

which returns air to the air conditioner. A plurality of filter units 105 are provided at a ceiling of a super-clean room 101, and clean air is blown out of the filter units 105 into the clean room 101. The air is then discharged from a floor 7 having openings to a return duct 8 beneath the floor.

The floor is divided into threes areas, for example, as shown in Fig. 4 of Saiki, et al., and the opening rates of the respective areas of the floor are 10% (the area a), 33% (the area b), and 67% (the area c).

The object of Saiki, et al. is, as disclosed in lines 56 to 63 of column 1, to provide a clean room having small dust diffusion by making the air flow substantially down flow.

Saiki, et al. is directed toward an entirely different problem than the present invention. In Saiki, et al., the problem being solved is the vertical flow of air between the air conditioners 105 and the floor 106. The present invention is directed to uniform air flow coming out of the holes into the passenger compartment. Saiki, et al. does not disclose whether there are holes at the filter units 105 or not. Saiki, et al. does not, either, disclose whether air flow rate from the respective filter units 105 are set at the same value or different values.

However, it seems that the invention of Saiki, et al. is made on the condition that the air flow rate from the respective filter units 105 are equal to each other.

The discharge amount of the clean air through the floor is different from the respective areas a to c, and therefore lateral air flow may occur.

In the case that the invention of Saikai, et al. is made on the condition that the air flow rate from the respective filter units 105 are equal to each other, as above, Saiki, et

al. only and simply teaches that the uniform air flow is obtained from the respective filter units 105, because the same filter units 105 are used.

Furthermore, it is apparent in Saiki, et al. that at least one filter unit 105 is necessary for the respective areas a, b and c, in order to achieve the vertical air flow toward the floor 108. It becomes more apparent, when looking at Fig. 6 or Fig. 7 of Saiki, et al.

Saiki, et al., therefore, does not disclose or each whether a structure of the floor board of Saiki, et al. can achieve the uniform air flow if such structure is applied to the ceiling.

As a summary, Saiki, et al. teaches that the vertical air flow is obtained by the specific design for the opening rate of the floor board, but Saiki, et al. does not teach that uniform air flow from multiple filter units 105 could be obtained by making the opening rate of the floor board 10% for the area a, 33% for the area b, and so on.

Accordingly, Saiki, et al. does not teach how the uniform air flow from multiple openings formed at the ceiling can be obtained.

Saiki, et al. teaches the use of variable size holes to control the direction of the flow between the air conditioner and the holes and not the amount of air entering duct 108 and whether or not there is uniform air flow across the floor into duct 108 as is the problem solved by the present invention.

In the case of In re Horn, 203 U.S.P.Q. 969 (C.C.P.A. 1979), Judge Watson clearly articulated the well-known standard for combining references under 35 U.S.C. Section 103. Judge Watson stated that "...there must be some basis for concluding that the reference would be considered by one skilled in the particular art working on the

pertinent problem to which the invention pertains". 203 U.S.P.Q. at 971 (emphasis added).

The C.C.P.A. also addressed the required standards for combining references under Section 103 in the case of In re Meng and Driessen, 492 F. 2d 834, 181 U.S.P.Q. 94 (C.C.P.A. 1974). In the Meng case, Chief Judge Markey stated that although an invention may appear to be rendered obvious by a disclosure in the prior art references, such a holding of obviousness is not proper when the disclosure occurs in a reference that is not directed toward the same problem as that address by the invention. Judge Markey further cautioned that the teachings or suggestions of such a reference must be evaluated without the use of hindsight gleaned from the applicant's disclosure, and thus must be viewed in a vacuum so far as the applicant's invention is concerned. 181 U.S.P.Q. at 97.

Applicants submit that the proper test for evaluating prior art under 35 U.S.C. Section 103 is whether or not the prior art, either individually or taken together, can be seen as suggesting the Applicants' solution to the problem which the invention addresses. See: Rosemont, Inc. v. Beckman Instrument, Inc., 221 U.S.P.Q. 1, 7, (Fed. Cir. 1984). The scope of pertinent prior art has been defined as that reasonably pertinent to the particular problem with which the inventor was involved. See: Lindemann Machinefabrik GMBH v. American Hoist and Derrick Co., 221 U.S.P.Q. 481, 487 (Fed. Cir. 1984). Applicants assert that the use of hindsight in picking and choosing isolated elements from various pieces to the problems addressed by Applicants' invention is improper according to the above-discussed judicial standards governing the proper application of 35 U.S.C. Section 103.

Thus, Applicants believe Claim 1 patentably distinguishes over the art of record. Likewise, Claims 2, 3 and 7, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 17-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chipley (U.S. Pat. No. 2,329,102) in view of Saiki, et al. (U.S. Pat. No. 4,693,173) as applied to Claim 1 above, and further in view of Winn (U.S. Pat. No. 2,987,980). Claim 17 has been cancelled. Claim 18 has been amended to independent form to include the limitations of Claim 1, Claim 3 and Claim 7 and is thus believed to be allowable. Claims 19 and 20 ultimately depend from Claim 18 and are thus believed to be allowable. Claim 21 depends from Claim 1 and is believed to be allowable due to its dependency on Claim 1.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: _____
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg